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Rejection of Claims Under 35 U.S.C. § 102

The Examiner has rejected claims 8, 10-12, 14, and 123 under 35 U.S.C. § 102(a) as being anticipated by Kawaguchi. Applicant submits that these claims are not anticipated by Kawaguchi.

Figure 4 of Kawaguchi appears to have been drawn inaccurately. The Examiner states that Kawaguchi discloses thin first spacers 114a and thick second spacers 115a. The spacers 114a are in fact thicker than the spacers 115a. Column 8, lines 21-24 state that the spacers 114a are 100 nm thick. Column 8, lines 42-44 state that the spacers 115a are 80 nm thick. These spacers 115a are thus not thicker than the spacers 114a.

Claim 8 is thus not anticipated by Kawaguchi, because Kawaguchi does not disclose thin and thick spacers as claimed. Applicant, accordingly, respectfully requests withdrawal of the 35 U.S.C. § 102(a) rejections of claims 8, 10-12, 14, and 123. New claims 124-128 further define the dimensions of the first and second spacers.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: June 20, 2002

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Chia-Hong Jan, et al.
Application No.: 09/477,764

Examiner: Hung K. Vu
Art Unit: 2811



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VERSION OF CLAIMS WITH MARKINGS

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Claims 124-128 are new.

8. (Three Times Amended) A gate electrode, comprising:
a gate layer disposed above a substrate, said gate layer having a substantially level upper surface;
a conductive layer disposed over said gate layer, said conductive layer extending beyond edges of said gate layer;
thin first spacers disposed in contact with opposite sides of said gate layer and below said conductive layer; and
thick second spacers disposed in contact with said thin first spacers, [said] each thick second spacer[s] having a uniform width throughout its height.
10. (Three Times Amended) The gate electrode of claim 8, wherein said gate layer comprises polysilicon.
11. (Twice Amended) The gate electrode of claim 10, wherein said conductive layer comprises polycide.
12. (Three Times Amended) The gate electrode of claim 8, wherein said thin first spacers comprise oxide.
14. (Three Times Amended) The gate electrode of claim 11, wherein said polycide comprises titanium salicide (TiSi_2).
123. (Amended) The gate electrode of claim 8, wherein said thick second spacers comprise nitride.